

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

BOARD OF TRUSTEES OF CEMENT  
MASONS, LOCAL 526 COMBINED FUNDS,  
INC.,

Plaintiff,

v.

TNT CONTRACTORS, INC.

Defendant.

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) No. 05-0271  
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) **MOTION TO ENTER DEFAULT**  
) **JUDGMENT**  
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**ORDER**

The Defendant, TNT Contractors, Inc. having failed to plead or otherwise defend in the above-styled action and its default having been entered,


AND NOW, this 3rd day of Feb., 2006 upon application of the Plaintiff and upon Affidavit that the Defendant has defaulted for failure to appear and that the Defendant is not an infant or incompetent person and not in the military service of the United States, the Court finds:

1. That the Court has jurisdiction of the parties and of the subject matter;
2. That this action has been brought under the terms of the Employee Retirement Income Security Act of 1974 (ERISA), 29 USC §1001-1381;
3. That the Defendant is bound by the terms and conditions of its collective bargaining agreement with Cement Masons Local No. 526; and

4. That the Defendant owes unpaid fringe benefits, collection costs and attorney fees for failure to pay fringe benefits when due, which required the expenditure of funds in collection of the unpaid fringe benefits, in the amount of \$3,319.06.

THEREFORE, IT IS ORDERED that the Defendant and any and all persons acting for or on behalf of the Defendant be and the same are hereby restrained and enjoined from violating the Employees Retirement Income Security Act of 1974, 29 USC §1001-1381 and its collective bargaining agreements with Cement Masons and the trusts created therein, requiring the furnishing of monthly reports and the making of payments by the 15th day of each calendar month; and

IT IS FURTHER ORDERED that the Defendant pay unto the Plaintiffs the sum of \$3,319.06, which includes litigation costs and attorney's fees.

  
J.